

REMARKS

Reconsideration of the application is requested.

Applicants appreciatively acknowledge the Examiner's confirmation of receipt of applicants' claim for priority under 35 U.S.C. § 119(a)-(d). The Examiner noted that applicant has not filed a certified copy of the priority application as required by 35 U.S.C. § 119(b). On December 12, 2003, applicants filed a claim for priority together with the certified copy of the German Patent Application 101 03 313.3, filed January 25, 2001. A copy of that mailing is enclosed. In addition, please find enclosed an English translation of German Patent Application No. 101 03 313.3 for perfecting the priority claim.

In item 4 on pages 2 and 3 of the above-identified Office Action, claims 1-6 have been rejected as being fully anticipated by U.S. Patent No. 6,512,690 to Qi et al. (hereinafter Qi) under 35 U.S.C. § 102.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Applicant respectfully notes that Qi has a United States filing date of November 21, 2001, claiming the benefit of a provisional application filed August 15, 2001. See 35 U.S.C. § 102(e). As set forth in the Declaration of record, the instant application is a continuation application of copending International Application Serial No. PCT/DE02/00207, filed January 23, 2002, which claims international priority of the German Application No. 101 03 313.3, filed January 25, 2001, under 35 U.S.C. § 119. Pursuant to 35 U.S.C. §§ 119, 120 and 363, applicant is entitled to the priority date of the German application. See MPEP §§ 201.13 and 1895. Thus, the instant application predates Qi by more than six months. Because Qi was filed after the priority date of the instant application, applicant respectfully believes that Qi is unavailable as prior art.

Applicant acknowledges that perfection of priority can only be obtained by filing a certified English translation of the German priority application. See 35 U.S.C. § 119. Concurrent herewith, applicant files a certified English translation. Accordingly, applicant respectfully believes that priority has been perfected and Qi is unavailable as prior art. Therefore, applicant respectfully submits that the Section 102 rejection on pages 2 and 3 of the Office action is now moot.

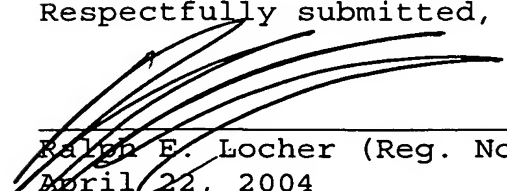
It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 1.

In view of the foregoing, reconsideration and allowance of claims 1-6 are solicited.

If an extension of time is required, petition for extension is herewith made. Any extension fee associated therewith should be charged to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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